IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20/12/2002

CORAM

THE HON'BLE MR. JUSTICE A.K. RAJAN

C.R.P.PD 2063 of 2002
and
C.M.P.No.17274 of 2002

C.Pandiyan .. Appellant

-Vs-

G.Panneerselvam .. Respondent

This revision petition filed against the order dated 26.6.2002 by the Additional District Munsif, Ariyalur, in I.A.No.19 of 2002 in O.S. No.6 of 2002, as stated therein.

!For Appellant : Mr.S.Parthasarathy,

^For Respondent : Mr. P.Rathinavel

:J U D G M E N T

This Civil Revision Petition has been filed against the order of the District Munsif, Ariyalur allowing the respondent to implead himself as a party in the suit, O.S.No.6 of 2002 on the file of the District Munsif Court, Ariyalur challenging the show cause notice issued by the Commissioner, Ariyalur, Panchayat Union as to why he should not be held disqualified to be a member of the Panchayat as per the Panchyats Act, 1994. The respondent herein was one of the persons contested in the Panchayat Election. Even at the initial stage, the respondent raised an objection that the petitioner herein was disqualified, inasmuch as his wife was one of the registered contractors under the Panchayat which is a disqualification to any person to contest the election. But that objection was rejected. Subsequently, the petitioner herein was elected as a member of the Panchayat. Thereafter, the respondent herein gave a petition to the Commissioner of Panchayat stating that the petitioner should be disqualified exercising the power conferred on the Commissioner of Panchayat Union. Inasmuch as no order was passed on that representation by the Commissioner of Panchayat, the respondent herein moved the High Court in W.P.No.21027 of 2001, dated 2.11.2001. This Court after hearing the respondent passed an order directing the Commissioner of Panchayat to dispose of the representation made by the respondent after hearing them. Thereafter, the Commissioner of Panchayat issued notice of hearing of both the petitioner and the respondent and thereafter decided to issued the impugned show cause notice. The petitioner herein filed the above suit exercising his

right conferred under Section 41(2) of the Tamil Nadu Panchyat Act challenging the validity of the show cause notice. At this stage, the respondent herein filed an application to implead himself as a party in the suit and that an application was allowed by the District Munsif. Aggrieved by that order, the present C.R.P. has been filed. In this C.R.P., the respondent has also filed caveat.

2. Heard both the petitioner and respondent/caveator. The suit has been filed by the petitioner challenging the show cause notice issued by the Commissioner in that proceedings, the respondent has no locus standi to contest. Merely because the show cause notice was issued in pursuance of the steps taken by the respondent, it does not give any right to him to contest the issue which is exclusively between the Commissioner of Panchayat Union and the petitioner herein. At the most, the respondent can only assist the Commissioner of Panchayat Union officials. Therefore, in a suit between the elected representatives of the Panchayat and the Commissioner of Panchayat Union, no person has got any right to intervene and to resist the claim of any of them. Therefore, the order passed by the District Munsif allowing the petition to implead the respondent as party is not legally sustainable and hence, it is set aside.
3. Since this is a matter between elected member of the Panchyat and the Commissioner of panchayat Union, the District Munsif is directed to dispose of the matter expeditiously.
4. In the result, the revision is allowed. No costs. Consequently, C.M.P.No.17274 of 2002 is closed.

20.12.2002.
Index: Yes
Web site: Yes
vs